

House Bill 1479

By: Representative Reece of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Chattooga County and provide for its  
2 powers and duties; to provide for the composition of the board and the appointment,  
3 qualification, and terms of its members; to provide for resignation, succession, and removal  
4 of members and for filling vacancies; to provide for oaths and privileges; to relieve certain  
5 boards and officers of certain powers and duties and provide for the transfer of certain items  
6 to the newly created board; to abolish a certain board and office; to provide for the  
7 chairperson and the powers and duties of such chairperson; to provide for board employees  
8 and their compensation; to provide for expenditures of public funds for certain purposes; to  
9 provide for compensation of the chairperson and members of the board; to provide for offices  
10 and equipment; to provide for the meaning of certain terms; to provide for a referendum; to  
11 provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and  
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the Chattooga County  
16 Board of Elections and Registration. The board shall have the powers and duties of the  
17 election superintendent of Chattooga County with regard to the conduct of primaries and  
18 elections and shall have the powers and duties of the board of registrars relating to the  
19 registration of voters and absentee balloting procedures.

20 **SECTION 2.**

21 (a) The board shall be composed of three members, each of whom shall be an elector and  
22 resident of Chattooga County.  
23 (b) No person who holds or is a candidate for an elective public office or who serves as an  
24 officer, employee, committee member, or other representative of either a political campaign  
25 of a candidate for elected public office or a political party, or who makes a financial

contribution to a candidate or party, or who is engaged on behalf of any candidate for an elective public office in the solicitation of votes for such candidate shall be eligible for appointment to serve as a member of the board during the term of such elective office or within two years after such active political participation, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office or upon such member's engaging in such political activity. No person shall be eligible for appointment to serve as a member of the board who is related by blood or marriage closer than first cousins to anyone holding elected public office.

(c) The first members of the board shall be appointed as follows:

(1) Not later than September 1, 2010, the county executive committee of the political party whose candidate for the office of Governor received the highest number of votes within the county in the last general election to fill such office and the political party whose candidate for the office of Governor received the second highest number of votes within the county in the last general election to fill such office shall each submit five nominees to the grand jury of Chattooga County without stating any preferences;

(2) Not later than November 1, 2010, the grand jury shall select one person from each of the lists of nominees submitted by the political parties to serve on the board;

(3) Not later than December 1, 2010, the two members appointed by the grand jury shall meet and select the third member of the board. The members may select any qualified person residing in Chattooga County. If by such date the two members cannot agree on a third member, the chief judge of the judicial circuit containing Chattooga County shall select the third member not later than December 31, 2010; and

(4) The grand jury shall specify which of the two initial members appointed by the grand jury shall receive an initial two-year term of office and which shall receive an initial three-year term of office. The member selected by the two members appointed by the grand jury shall receive an initial one-year term of office which shall begin on January 1, 2011, and end on December 31, 2011, and upon the appointment and qualification of a successor. As specified by the grand jury in making the initial appointments, one member shall serve an initial term of office beginning January 1, 2011, and ending on December 31, 2012, and upon the appointment and qualification of a successor; and one member shall serve an initial term of office beginning January 1, 2011, and ending on December 31, 2013, and upon the appointment and qualification of a successor.

(d) Successors to the initial members shall be selected as follows:

(1) Not later than October 1 immediately prior to the expiration of the term of office of a member who was the nominee of a political party, the political party that made such nomination shall submit five nominees without stating any preferences to the grand jury of Chattooga County from which the grand jury shall select a successor to the member

whose term is expiring. The incumbent members shall be eligible to succeed themselves. The successor so appointed shall take office on the first day of January following such appointment and shall serve for a term of office of three years and until a successor is appointed and qualified; and

(2) Not later than December 1 immediately prior to the expiration of the term of office of the member who is appointed by the agreement of the members who were chosen by the grand jury, the two members chosen by the grand jury shall select a successor to such member whose term is expiring. An incumbent member shall be eligible to succeed himself or herself. The successor so appointed shall take office on the first day of January following such appointment and shall serve for a term of office of three years and until a successor is appointed and qualified. If the two members chosen by the grand jury cannot agree, the chief judge of the judicial circuit containing Chattooga County shall appoint a person to succeed such member not later than December 15 immediately prior to the expiration of the term of office of such member whose term is expiring.

(e) The members of the board shall select one of their number to serve as chairperson at the first meeting of each year and as necessary in the event of a vacancy. If the members cannot agree on a chairperson by February 1, the chief judge of the judicial circuit containing Chattooga County shall designate one of the members of the board to serve as chairperson.

### SECTION 3.

The appointment of each member shall be made by the appointing authority's filing with the clerk of the Superior Court of Chattooga County an affidavit which states the name and residential address of the person appointed and certifies that such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

### SECTION 4.

Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the appointing authority and to the clerk of the Superior Court of Chattooga County. Each member shall be subject to removal from the board by the chief judge of the judicial circuit containing Chattooga County at any time, for cause, after notice of the right to have a timely hearing, in the same manner and by the same authority as provided for removal of registrars.

**SECTION 5.**

(a) In the event a single vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, except by expiration of term, such vacancy shall be filled by appointment of a successor by the remaining members of the board. If the remaining members cannot agree on a successor within 30 days following such vacancy, the successor shall be appointed by the chief judge of the judicial circuit containing Chattooga County. Such person so appointed shall serve the remainder of the unexpired term.

(b) In the event of multiple vacancies on the board as a result of removal, death, resignation, or otherwise, except by expiration of term, such vacancies shall be filled by appointment by the chief judge of the judicial circuit containing Chattooga County. Such persons so appointed shall serve the remainder of the respective unexpired terms of the members whom they succeed.

(c) The clerk of the superior court shall be notified of all interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

**SECTION 6.**

Before entering upon his or her duties, each member of the board shall take substantially the same oath as required by law for registrars. Each member of the board shall have the same privileges from arrest as registrars.

**SECTION 7.**

On January 1, 2011, the election superintendent and board of registrars of Chattooga County shall be relieved from all powers and duties to which the board succeeds by the provisions of this Act. On and after January 1, 2011, neither the election superintendent nor any member of the board of registrars shall be entitled to any salary or salary supplement to which he or she may have been entitled as a result of holding such position, including the supplement authorized in Code Section 15-9-64 of the O.C.G.A., relating to the salary supplement for judges of the probate courts who hold and conduct elections. The election superintendent and board of registrars of Chattooga County shall deliver thereafter to the chairperson of the board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties. Also, at such time, the board of registrars and the office of chief registrar of Chattooga County shall be abolished.

**SECTION 8.**

The chairperson of the board shall be the chief executive officer of the board and shall generally supervise, direct, and control the administration of the affairs of the board pursuant

to law and duly adopted resolutions of the board. The board shall fix and establish by appropriate resolution entered on its minutes directives governing the execution of matters within its jurisdiction.

#### **SECTION 9.**

(a) The board shall be responsible for the selection and appointment of an administrative director, to be known as the elections supervisor, to administer and supervise the conduct of elections and primaries and the registration of electors for the county. The elections supervisor shall serve at the pleasure of the board. The board shall act within 60 days of its members taking office under this Act to retain or appoint an elections supervisor who shall be hired by the board from a job description drawn by said board.

(b) In the event the board fails to appoint or retain an elections supervisor to fill a vacancy within the time specified in subsection (a) of this section, an acting elections supervisor who shall fill temporarily such vacancy shall be appointed by the governing authority to serve until the board fills the vacancy.

#### **SECTION 10.**

(a) The board shall be authorized to employ such other full-time and part-time employees as the board shall deem necessary. The governing authority of Chattooga County shall have the right to approve the number of employees to be hired by the board.

(b) No person shall be eligible for employment by the board who is related by blood or marriage closer than first cousins to anyone holding elected public office.

(c) No person who holds or is a candidate for an elective public office or who serves as an officer, employee, committee member, or other representative of either a political campaign of a candidate for elected public office or a political party, or who makes a financial contribution to a candidate or party, or who is engaged on behalf of any candidate for an elective public office in the solicitation of votes for such candidate shall be eligible for employment by the board during the term of such elective office or within two years after such active political participation, and any employee of the board shall be terminated upon such employee's qualifying as a candidate for elective public office or upon such employee's engaging in such political activity

#### **SECTION 11.**

The board shall propose an annual budget to the county governing authority for approval or negotiation detailing the expenditures necessary for the execution of its duties. With the consent of the governing authority of Chattooga County, the board of elections and registration shall be authorized to expend public funds for the purpose of distributing sample

164 ballots, voter information booklets, and other material designed to inform and instruct  
165 adequately the electors of the county with regard to elections.

166 **SECTION 12.**

167 Compensation for the chairperson and other members of the board and for employees of the  
168 board shall be fixed by the governing authority of Chattooga County. Such compensation  
169 shall be paid from county funds.

170 **SECTION 13.**

171 (a) The governing authority of Chattooga County shall provide the board with proper and  
172 suitable offices and equipment.  
173 (b) The board shall meet quarterly or as necessary to conduct the affairs of the board.

174 **SECTION 14.**

175 The Chattooga County Board of Elections and Registration shall have the authority to  
176 contract with any municipal corporation located within the county for the holding by the  
177 board of any primary or election to be conducted within the municipal corporation.

178 **SECTION 15.**

179 The terms "election," "elector," "political party," "primary," "public office," "special  
180 election," and "special primary" shall have the same meaning ascribed to those terms by  
181 Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this  
182 Act.

183 **SECTION 16.**

184 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
185 superintendent of Chattooga County shall call and conduct an election as provided in this  
186 section for the purpose of submitting this Act to the electors of Chattooga County for  
187 approval or rejection. The election superintendent shall conduct that election on the date of  
188 and in conjunction with the 2010 general primary and shall issue the call and conduct that  
189 election as provided by general law. The superintendent shall cause the date and purpose of  
190 the election to be published once a week for two weeks immediately preceding the date  
191 thereof in the official organ of Chattooga County. The ballot shall have written or printed  
192 thereon the words:

193 "( ) YES Shall the Act be approved which creates the Chattooga County Board of  
194 ( ) NO Elections and Registration?"

195 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
196 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
197 such question are for approval of the Act, then this Act shall become of full force and effect  
198 immediately. If this Act is not so approved or if the election is not conducted as provided  
199 in this section, this Act shall not become effective and this Act shall be automatically  
200 repealed on the first day of January immediately following that election date. The expense  
201 of such election shall be borne by Chattooga County. It shall be the election superintendent's  
202 duty to certify the result thereof to the Secretary of State.

203 **SECTION 17.**

204 Except as otherwise provided in Section 16 of this Act, this Act shall become effective upon  
205 its approval by the Governor or upon its becoming law without such approval.

206 **SECTION 18.**

207 All laws and parts of laws in conflict with this Act are repealed.